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March 7, 2014

Lynne Newlon  
Indiana Department of Environmental Management  
100 N. Senate Ave.  
Mail Code 65-40 IGCN 1255  
Indianapolis, IN 46204-2251

Re: Luce Township Regional Sewer District

Dear Ms. Newlon,

As discussed with Mr. Patmore, please find enclosed the Petition to Modify Order Establishing District with the additional request for an extension of time to file the District Plan and removal of the request for interim and retro approval.

If you have any questions please do not hesitate to contact our office.

Sincerely,

PATMORE LAW OFFICE

Cheryl Mattingly  
Legal Assistant

KRP/cdm

Enclosure

cc w/encl: Sarah Fredderick  
David Gogel  
Honorable Harold Goffinet  
Town of Richland, Council President

IDEM Ltr rePetition2 (Mar2014).wpf

STATE OF INDIANA     )  
                              )  
COUNTY OF MARION    )

SS:     BEFORE THE INDIANA DEPARTMENT  
          OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:     )  
                              )  
THE FORMATION OF THE   )  
LUCE TOWNSHIP           )  
REGIONAL SEWER DISTRICT )

**PETITION TO MODIFY ORDER  
ESTABLISHING DISTRICT**

The Luce Township Regional Sewer District ("LTRSD") hereby Petitions the Commissioner of the Indiana Department of Environmental Management ("IDEM"), pursuant to I.C. §13-26-1-1 *et seq.*, for an order modifying its order for the organization of LTRSD, and for reason why such Petition should be granted, states:

1.     On April 8, 2002, IDEM entered its Order adopting the Findings of Fact and Recommended Order of the hearing officer for the organization of the Luce Township Regional Sewer District.
2.     The Recommended Order provided, *inter alia*, that "The Proposed Regional Sewer District shall be governed by a Board of nine (9) voting members to be appointed as follows: . . . F. The executive of the municipality of the county having the largest territory in Luce RSD (the Mayor of Rockport) shall appoint one (1) trustee . . ."
3.     Pursuant to I.C. §13-26-4-5, "if a plan also contemplates that sewage treatment for the district will be provided in cooperation with a municipality, the order must provide that: (1) at least one (1) trustee shall be appointed by the executive of the municipality . . ."

4. On the date of the Order, the plan for LTRSD contemplated that the City of Rockport, Indiana, a municipality, would provide treatment service to LTRSD.

5. The City of Rockport, Indiana is actually providing treatment service to LTRSD.

6. On the date of the Order, the City of Rockport, Indiana, was the municipality having the largest territory in LTRSD.

7. Since the date of the Order, the Town of Richland City, Indiana has incorporated as a municipality under Indiana law.

8. The Town of Richland City, Indiana now is the municipality having the largest territory in LTRSD.

9. Additional clarification of the Order is advisable concerning the terms of office of trustees.

10. The Town's District Plan was due on January 8, 2003.

WHEREFORE, Luce Township Regional Sewer District petitions that paragraph 4(E) of the Recommended Order be modified to provide as follows:

A. That paragraph 4(F) be modified as follows:

"F. The executive of any municipality providing sewage treatment to Luce Township Regional Sewer District shall appoint one (1) trustee to serve an initial term of two (2) years."

B. That a new paragraph 4(J) be added to the Order, providing as follows:

"J. All terms of office for trustees shall expire on December 31 of the year the current term expires."

C. That the District be given sixty (60) days from the date of this Order in which to file its District Plan.

Respectfully submitted,

Luce Township Regional Sewer District

By: Edward Ingram  
Edward Ingram  
Its President

ATTEST:

By: Kelly E. Kuchenbrod  
Kelly Kuchenbrod